

AN ACT

relating to decedents' estates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 113.004(4), Estates Code, is amended to read as follows:

(4) "P.O.D. account," including an account designated as a transfer on death or T.O.D. account, means an account payable on request to:

(A) one person during the person's lifetime and, on the person's death, to one or more P.O.D. payees; or

(B) one or more persons during their lifetimes and, on the death of all of those persons, to one or more P.O.D. payees.

SECTION 2. Section 113.152, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) A guardian of the estate or an attorney in fact or agent of an original payee may sign a written agreement described by Subsection (a) on behalf of the original payee.

SECTION 3. Section 123.001, Estates Code, is amended to read as follows:

Sec. 123.001. WILL PROVISIONS MADE BEFORE DISSOLUTION OF MARRIAGE. (a) In this section:

(1) "Irrevocable trust" means a trust:

(A) for which the trust instrument was executed

1 before the dissolution of a testator's marriage; and

2 (B) that the testator was not solely empowered by
3 law or by the trust instrument to revoke.

4 (2) "Relative" [~~,"relative"~~] means an individual
5 related to another individual by:

6 (A) [~~(1)~~] consanguinity, as determined under
7 Section 573.022, Government Code; or

8 (B) [~~(2)~~] affinity, as determined under Section
9 573.024, Government Code.

10 (b) If, after the testator makes a will, the testator's
11 marriage is dissolved by divorce, annulment, or a declaration that
12 the marriage is void, unless the will expressly provides otherwise:

13 (1) all provisions in the will, including all
14 fiduciary appointments, shall be read as if the former spouse and
15 each relative of the former spouse who is not a relative of the
16 testator had failed to survive the testator; and

17 (2) all provisions in the will disposing of property
18 to an irrevocable trust in which a former spouse or a relative of a
19 former spouse who is not a relative of the testator is a beneficiary
20 or is nominated to serve as trustee or in another fiduciary capacity
21 or that confers a general or special power of appointment on a
22 former spouse or a relative of a former spouse who is not a relative
23 of the testator shall be read to instead dispose of the property to
24 a trust the provisions of which are identical to the irrevocable
25 trust, except any provision in the irrevocable trust:

26 (A) conferring a beneficial interest or a general
27 or special power of appointment to the former spouse or a relative

1 of the former spouse who is not a relative of the testator shall be
2 treated as if the former spouse and each relative of the former
3 spouse who is not a relative of the testator had disclaimed the
4 interest granted in the provision; and

5 (B) nominating the former spouse or a relative of
6 the former spouse who is not a relative of the testator to serve as
7 trustee or in another fiduciary capacity shall be treated as if the
8 former spouse and each relative of the former spouse who is not a
9 relative of the testator had died immediately before the
10 dissolution of the marriage~~[, unless the will expressly provides~~
11 ~~otherwise].~~

12 (c) Subsection (b)(2) does not apply if one of the following
13 provides otherwise:

14 (1) a court order; or

15 (2) an express provision of a contract relating to the
16 division of the marital estate entered into between the testator
17 and the testator's former spouse before, during, or after the
18 marriage.

19 SECTION 4. Section [123.052](#)(a), Estates Code, is amended to
20 read as follows:

21 (a) The dissolution of the marriage revokes a provision in a
22 trust instrument that was executed by a divorced individual before
23 the divorced individual's marriage was dissolved and that:

24 (1) is a revocable disposition or appointment of
25 property made to the divorced individual's former spouse or any
26 relative of the former spouse who is not a relative of the divorced
27 individual;

1 (2) revocably confers a general or special power of
2 appointment on the divorced individual's former spouse or any
3 relative of the former spouse who is not a relative of the divorced
4 individual; or

5 (3) revocably nominates the divorced individual's
6 former spouse or any relative of the former spouse who is not a
7 relative of the divorced individual to serve:

8 (A) as a personal representative, trustee,
9 conservator, agent, or guardian; or

10 (B) in another fiduciary or representative
11 capacity.

12 SECTION 5. Chapter 123, Estates Code, is amended by adding
13 Subchapter D to read as follows:

14 SUBCHAPTER D. EFFECT OF DISSOLUTION OF MARRIAGE ON CERTAIN

15 MULTIPLE-PARTY ACCOUNTS

16 Sec. 123.151. DESIGNATION OF FORMER SPOUSE OR RELATIVE OF
17 FORMER SPOUSE ON CERTAIN MULTIPLE-PARTY ACCOUNTS. (a) In this
18 section:

19 (1) "Beneficiary," "multiple-party account," "P.O.D.
20 account," and "P.O.D. payee" have the meanings assigned by Chapter
21 113.

22 (2) "Public retirement system" has the meaning
23 assigned by Section 802.001, Government Code.

24 (3) "Relative" has the meaning assigned by Section
25 123.051.

26 (b) If, after a decedent designates a spouse or a relative
27 of a spouse who is not a relative of the decedent as a P.O.D. payee

1 or beneficiary, including alternative P.O.D. payee or beneficiary,
2 on a P.O.D. account or other multiple-party account, the decedent's
3 marriage is dissolved by divorce, annulment, or a declaration that
4 the marriage is void, the designation provision on the account is
5 not effective as to the former spouse or the former spouse's
6 relative unless:

7 (1) the court decree dissolving the marriage
8 designates the former spouse or the former spouse's relative as the
9 P.O.D. payee or beneficiary;

10 (2) the decedent redesignated the former spouse or the
11 former spouse's relative as the P.O.D. payee or beneficiary after
12 the marriage was dissolved; or

13 (3) the former spouse or the former spouse's relative
14 is designated to receive the proceeds or benefits in trust for, on
15 behalf of, or for the benefit of a child or dependent of either the
16 decedent or the former spouse.

17 (c) If a designation is not effective under Subsection (b),
18 a multiple-party account is payable to the named alternative P.O.D.
19 payee or beneficiary or, if an alternative P.O.D. payee or
20 beneficiary is not named, to the estate of the decedent.

21 (d) A financial institution or other person obligated to pay
22 an account described by Subsection (b) that pays the account to the
23 former spouse or the former spouse's relative as P.O.D. payee or
24 beneficiary under a designation that is not effective under
25 Subsection (b) is liable for payment of the account to the person
26 provided by Subsection (c) only if:

27 (1) before payment of the account to the designated

1 P.O.D. payee or beneficiary, the payor receives written notice at
2 the home office or principal office of the payor from an interested
3 person that the designation of the P.O.D. payee or beneficiary is
4 not effective under Subsection (b); and

5 (2) the payor has not interpleaded the account funds
6 into the registry of a court of competent jurisdiction in
7 accordance with the Texas Rules of Civil Procedure.

8 (e) This section does not affect the right of a former
9 spouse to assert an ownership interest in an undivided
10 multiple-party account described by Subsection (b).

11 (f) This section does not apply to the disposition of a
12 beneficial interest in a retirement benefit or other financial plan
13 of a public retirement system.

14 SECTION 6. Section 201.051, Estates Code, is amended to
15 read as follows:

16 Sec. 201.051. MATERNAL INHERITANCE. (a) For purposes of
17 inheritance, a child is the child of the child's biological or
18 adopted mother, and the child and the child's issue shall inherit
19 from the child's mother and the child's maternal kindred, both
20 descendants, ascendants, and collateral kindred in all degrees, and
21 they may inherit from the child and the child's issue. However, if
22 a child has intended parents, as defined by Section 160.102, Family
23 Code, under a gestational agreement validated under Subchapter I,
24 Chapter 160, Family Code, the child is the child of the intended
25 mother and not the biological mother or gestational mother unless
26 the biological mother is also the intended mother.

27 (b) This section does not permit inheritance by a child for

1 whom no right of inheritance accrues under Section 201.056 or by the
2 child's issue.

3 SECTION 7. Section 201.052, Estates Code, is amended by
4 adding Subsection (f) to read as follows:

5 (f) This section does not permit inheritance by a child for
6 whom no right of inheritance accrues under Section 201.056 or by the
7 child's issue.

8 SECTION 8. Section 201.056, Estates Code, is amended to
9 read as follows:

10 Sec. 201.056. PERSONS NOT IN BEING. No right of inheritance
11 accrues to any person [~~other than to a child or lineal descendant of~~
12 ~~an intestate,~~] unless the person is born before, or is in gestation
13 at, [in being and capable in law to take as an heir at] the time of
14 the intestate's death and survives for at least 120 hours. A person
15 is:

16 (1) considered to be in gestation at the time of the
17 intestate's death if insemination or implantation occurs at or
18 before the time of the intestate's death; and

19 (2) presumed to be in gestation at the time of the
20 intestate's death if the person is born before the 301st day after
21 the date of the intestate's death.

22 SECTION 9. Section 202.005, Estates Code, is amended to
23 read as follows:

24 Sec. 202.005. APPLICATION FOR PROCEEDING TO DECLARE
25 HEIRSHIP. A person authorized by Section 202.004 to commence a
26 proceeding to declare heirship must file an application in a court
27 specified by Section 33.004 to commence the proceeding. The

1 application must state:

2 (1) the decedent's name and date [~~time~~] and place of
3 death;

4 (2) the names and physical addresses where service can
5 be had [~~residences~~] of the decedent's heirs, the relationship of
6 each heir to the decedent, whether each heir is an adult or minor,
7 and the true interest of the applicant and each of the heirs in the
8 decedent's estate or in the trust, as applicable;

9 (3) if the date [~~time~~] or place of the decedent's death
10 or the name or physical address where service can be had [~~residence~~]
11 of an heir is not definitely known to the applicant, all the
12 material facts and circumstances with respect to which the
13 applicant has knowledge and information that might reasonably tend
14 to show the date [~~time~~] or place of the decedent's death or the name
15 or physical address where service can be had [~~residence~~] of the
16 heir;

17 (4) that all children born to or adopted by the
18 decedent have been listed;

19 (5) that each of the decedent's marriages has been
20 listed with:

21 (A) the date of the marriage;

22 (B) the name of the spouse;

23 (C) the date and place of termination if the
24 marriage was terminated; and

25 (D) other facts to show whether a spouse has had
26 an interest in the decedent's property;

27 (6) whether the decedent died testate and, if so, what

1 disposition has been made of the will;

2 (7) a general description of all property belonging to
3 the decedent's estate or held in trust for the benefit of the
4 decedent, as applicable; and

5 (8) an explanation for the omission from the
6 application of any of the information required by this section.

7 SECTION 10. Section 202.055, Estates Code, is amended to
8 read as follows:

9 Sec. 202.055. SERVICE OF CITATION ON CERTAIN PERSONS NOT
10 REQUIRED. A party to a proceeding to declare heirship who executed
11 the application filed under Section 202.005, entered an appearance
12 in the proceeding, or waived citation under this subchapter is not
13 required to be served by any method.

14 SECTION 11. Section 202.056, Estates Code, is amended to
15 read as follows:

16 Sec. 202.056. WAIVER OF SERVICE OF CITATION. (a) Except
17 as provided by Subsection (b)(2), a distributee may waive citation
18 required by this subchapter to be served on the distributee.

19 (b) A parent, managing conservator, guardian, attorney ad
20 litem, or guardian ad litem of a minor distributee who:

21 (1) is younger than 12 years of age may waive citation
22 required by this subchapter to be served on the distributee; and

23 (2) is 12 years of age or older may not waive citation
24 required by this subchapter to be served on the distributee.

25 SECTION 12. Section 202.201(a), Estates Code, is amended to
26 read as follows:

27 (a) The judgment in a proceeding to declare heirship must

1 state:

2 (1) the names [~~and places of residence~~] of the heirs of
3 the decedent who is the subject of the proceeding; and

4 (2) the heirs' respective shares and interests in the
5 decedent's property.

6 SECTION 13. Subchapter B, Chapter 251, Estates Code, is
7 amended by adding Section 251.053 to read as follows:

8 Sec. 251.053. EXCEPTION FOR FOREIGN AND CERTAIN OTHER
9 WILLS. Section 251.051 does not apply to a written will executed in
10 compliance with:

11 (1) the law of the state or foreign country where the
12 will was executed, as that law existed at the time of the will's
13 execution; or

14 (2) the law of the state or foreign country where the
15 testator was domiciled or had a place of residence, as that law
16 existed at the time of the will's execution or at the time of the
17 testator's death.

18 SECTION 14. Section 251.1045(a), Estates Code, is amended
19 to read as follows:

20 (a) As an alternative to the self-proving of a will by the
21 affidavits of the testator and the attesting witnesses as provided
22 by Section 251.104, a will may be simultaneously executed,
23 attested, and made self-proved before an officer authorized to
24 administer oaths, and the testimony of the witnesses in the probate
25 of the will may be made unnecessary, with the inclusion in the will
26 of the following in form and contents substantially as follows:

27 I, _____, as testator, after being duly

1 sworn, declare to the undersigned witnesses and to the undersigned
2 authority that this instrument is my will, that I [~~have~~] willingly
3 make [~~made~~] and execute [~~executed~~] it in the presence of the
4 undersigned witnesses, all of whom are [~~were~~] present at the same
5 time, as my free act and deed, and that I request [~~have requested~~]
6 each of the undersigned witnesses to sign this will in my presence
7 and in the presence of each other. I now sign this will in the
8 presence of the attesting witnesses and the undersigned authority
9 on this _____ day of _____, 20_____.

10 _____
11 Testator

12 The undersigned, _____ and _____, each being at
13 least fourteen years of age, after being duly sworn, declare to the
14 testator and to the undersigned authority that the testator
15 declared to us that this instrument is the testator's will and that
16 the testator requested us to act as witnesses to the testator's will
17 and signature. The testator then signed this will in our presence,
18 all of us being present at the same time. The testator is eighteen
19 years of age or over (or being under such age, is or has been
20 lawfully married, or is a member of the armed forces of the United
21 States or of an auxiliary of the armed forces of the United States
22 or of the United States Maritime Service), and we believe the
23 testator to be of sound mind. We now sign our names as attesting
24 witnesses in the presence of the testator, each other, and the
25 undersigned authority on this _____ day of _____,
26 20_____.

27 _____

1 will that would cause a forfeiture of or void a devise or provision
2 in favor of a person for bringing any court action, including
3 contesting a will, is enforceable unless in a court action
4 determining whether the forfeiture clause should be enforced, the
5 person who brought the action contrary to the forfeiture clause
6 establishes by a preponderance of the evidence that:

- 7 (1) just cause existed for bringing the action; and
8 (2) the action was brought and maintained in good
9 faith.

10 (b) This section is not intended to and does not repeal any
11 law recognizing that forfeiture clauses generally will not be
12 construed to prevent a beneficiary from seeking to compel a
13 fiduciary to perform the fiduciary's duties, seeking redress
14 against a fiduciary for a breach of the fiduciary's duties, or
15 seeking a judicial construction of a will or trust.

16 SECTION 18. Subchapter G, Chapter 255, Estates Code, is
17 amended by adding Section 255.304 to read as follows:

18 Sec. 255.304. APPLICABILITY OF SUBCHAPTER. This subchapter
19 is applicable only to wills executed on or after September 1, 2005.

20 SECTION 19. Chapter 255, Estates Code, is amended by adding
21 Subchapters I and J to read as follows:

22 SUBCHAPTER I. CLASS GIFTS

23 Sec. 255.401. POSTHUMOUS CLASS GIFT MEMBERSHIP. (a) A
24 right to take as a member under a class gift does not accrue to any
25 person unless the person is born before, or is in gestation at, the
26 time of the testator's death and survives for at least 120 hours. A
27 person is:

1 (1) considered to be in gestation at the time of the
2 testator's death if insemination or implantation occurs at or
3 before the time of the testator's death; and

4 (2) presumed to be in gestation at the time of the
5 testator's death if the person was born before the 301st day after
6 the date of the testator's death.

7 (b) A provision in the testator's will that is contrary to
8 this section prevails over this section.

9 SUBCHAPTER J. JUDICIAL MODIFICATION OR REFORMATION

10 OF WILLS

11 Sec. 255.451. CIRCUMSTANCES UNDER WHICH WILL MAY BE
12 MODIFIED OR REFORMED. (a) On the petition of a personal
13 representative, a court may order that the terms of the will be
14 modified or reformed, that the personal representative be directed
15 or permitted to perform acts that are not authorized or that are
16 prohibited by the terms of the will, or that the personal
17 representative be prohibited from performing acts that are required
18 by the terms of the will, if:

19 (1) modification of administrative, nondispositive
20 terms of the will is necessary or appropriate to prevent waste or
21 impairment of the estate's administration;

22 (2) the order is necessary or appropriate to achieve
23 the testator's tax objectives or to qualify a distributee for
24 government benefits and is not contrary to the testator's intent;

25 or

26 (3) the order is necessary to correct a scrivener's
27 error in the terms of the will, even if unambiguous, to conform with

1 the testator's intent.

2 (b) An order described in Subsection (a)(3) may be issued
3 only if the testator's intent is established by clear and
4 convincing evidence.

5 Sec. 255.452. JUDICIAL DISCRETION. The court shall
6 exercise the court's discretion to order a modification or
7 reformation under this subchapter in the manner that conforms as
8 nearly as possible to the probable intent of the testator.

9 Sec. 255.453. RETROACTIVE EFFECT. The court may direct
10 that an order described by this subchapter has retroactive effect.

11 Sec. 255.454. POWERS CUMULATIVE. This subchapter does not
12 limit a court's powers under other law, including the power to
13 modify, reform, or terminate a testamentary trust under Section
14 [112.054](#), Property Code.

15 Sec. 255.455. DUTIES AND LIABILITY OF PERSONAL
16 REPRESENTATIVE UNDER SUBCHAPTER. (a) This subchapter does not
17 create or imply a duty for a personal representative to:

18 (1) petition a court for modification or reformation
19 of a will, to be directed or permitted to perform acts that are not
20 authorized or that are prohibited by the terms of the will, or to be
21 prohibited from performing acts that are required by the terms of
22 the will;

23 (2) inform devisees about the availability of relief
24 under this subchapter; or

25 (3) review the will or other evidence to determine
26 whether any action should be taken under this subchapter.

27 (b) A personal representative is not liable for failing to

1 file a petition under Section 255.451.

2 SECTION 20. Sections 256.003(a) and (b), Estates Code, are
3 amended to read as follows:

4 (a) Except as provided by Section 501.001 with respect to a
5 foreign will, a [A] will may not be admitted to probate after the
6 fourth anniversary of the testator's death unless it is shown by
7 proof that the applicant for the probate of the will was not in
8 default in failing to present the will for probate on or before the
9 fourth anniversary of the testator's death.

10 (b) Except as provided by Section 501.006 with respect to a
11 foreign will, letters [Letters] testamentary may not be issued if a
12 will is admitted to probate after the fourth anniversary of the
13 testator's death.

14 SECTION 21. Section 256.051(a), Estates Code, is amended to
15 read as follows:

16 (a) An executor named in a will, an independent
17 administrator designated by all of the distributees of the decedent
18 under Section 401.002(b), or an interested person may file an
19 application with the court for an order admitting a will to probate,
20 whether the will is:

- 21 (1) written or unwritten;
- 22 (2) in the applicant's possession or not;
- 23 (3) lost;
- 24 (4) destroyed; or
- 25 (5) outside of this state.

26 SECTION 22. Section 256.052(a), Estates Code, is amended to
27 read as follows:

1 (a) An application for the probate of a will must state and
2 aver the following to the extent each is known to the applicant or
3 can, with reasonable diligence, be ascertained by the applicant:

4 (1) each applicant's name and domicile;

5 (2) the testator's name, domicile, and, if known, age,
6 on the date of the testator's death;

7 (3) the fact, date [~~time~~], and place of the testator's
8 death;

9 (4) facts showing that the court with which the
10 application is filed has venue;

11 (5) that the testator owned property, including a
12 statement generally describing the property and the property's
13 probable value;

14 (6) the date of the will;

15 (7) the name, state of residence, and physical address
16 where service can be had of the executor named in the will or other
17 person to whom the applicant desires that letters be issued;

18 (8) the name of each subscribing witness to the will,
19 if any;

20 (9) whether one or more children born to or adopted by
21 the testator after the testator executed the will survived the
22 testator and, if so, the name of each of those children;

23 (10) whether a marriage of the testator was ever
24 dissolved after the will was made and, if so, when and from whom;

25 (11) whether the state, a governmental agency of the
26 state, or a charitable organization is named in the will as a
27 devisee; and

1 (12) that the executor named in the will, the
2 applicant, or another person to whom the applicant desires that
3 letters be issued is not disqualified by law from accepting the
4 letters.

5 SECTION 23. Section 256.054, Estates Code, is amended to
6 read as follows:

7 Sec. 256.054. ADDITIONAL APPLICATION REQUIREMENTS WHEN NO
8 WILL IS PRODUCED. In addition to the requirements for an
9 application under Section 256.052, if an applicant for the probate
10 of a will cannot produce the will in court, the application must
11 state:

- 12 (1) the reason the will cannot be produced;
13 (2) the contents of the will, as far as known; and
14 (3) the name~~[, age, marital status,]~~ and address, if
15 known, whether the person is an adult or minor, and the relationship
16 to the testator, if any, of:

- 17 (A) each devisee;
18 (B) each person who would inherit as an heir of
19 the testator in the absence of a valid will; and
20 (C) in the case of partial intestacy, each heir
21 of the testator.

22 SECTION 24. Sections 256.152(b) and (c), Estates Code, are
23 amended to read as follows:

24 (b) A will that is self-proved as provided by Subchapter C,
25 Chapter 251, that ~~[or, if executed in another state or a foreign~~
26 ~~country,]~~ is self-proved in accordance with the law ~~[laws]~~ of
27 another ~~[the]~~ state or foreign country where the will was executed,

1 as that law existed at the time of the will's execution, or that is
2 self-proved in accordance with the law of another state or foreign
3 country where the testator was domiciled or had a place of
4 residence, as that law existed at the time of the will's execution
5 or the time of the testator's death, [~~of the testator's domicile at~~
6 ~~the time of the execution]~~ is not required to have any additional
7 proof that the will was executed with the formalities and
8 solemnities and under the circumstances required to make the will
9 valid.

10 (c) As an alternative to Subsection (b), a will [~~executed in~~
11 ~~another state or a foreign country]~~ is considered self-proved
12 without further evidence of the law of any [~~the other~~] state or
13 foreign country if:

14 (1) the will was executed in another state or a foreign
15 country or the testator was domiciled or had a place of residence in
16 another state or a foreign country at the time of the will's
17 execution or the time of the testator's death; and

18 (2) the will, or an affidavit of the testator and
19 attesting witnesses attached or annexed to the will, provides that:

20 (A) [~~(1)~~] the testator declared that the
21 testator signed the instrument as the testator's will, the testator
22 signed it willingly or willingly directed another to sign for the
23 testator, the testator executed the will as the testator's free and
24 voluntary act for the purposes expressed in the instrument, the
25 testator is of sound mind and under no constraint or undue
26 influence, and the testator is eighteen years of age or over or, if
27 under that age, was or had been lawfully married, or was then a

1 member of the armed forces of the United States, an auxiliary of the
2 armed forces of the United States, or the United States Maritime
3 Service; and

4 (B) [~~(2)~~] the witnesses declared that the
5 testator signed the instrument as the testator's will, the testator
6 signed it willingly or willingly directed another to sign for the
7 testator, each of the witnesses, in the presence and hearing of the
8 testator, signed the will as witness to the testator's signing, and
9 to the best of their knowledge the testator was of sound mind and
10 under no constraint or undue influence, and the testator was
11 eighteen years of age or over or, if under that age, was or had been
12 lawfully married, or was then a member of the armed forces of the
13 United States, an auxiliary of the armed forces of the United
14 States, or the United States Maritime Service.

15 SECTION 25. Section 257.051(a), Estates Code, is amended to
16 read as follows:

17 (a) An application for the probate of a will as a muniment of
18 title must state and aver the following to the extent each is known
19 to the applicant or can, with reasonable diligence, be ascertained
20 by the applicant:

21 (1) each applicant's name and domicile;

22 (2) the testator's name, domicile, and, if known, age,
23 on the date of the testator's death;

24 (3) the fact, date [~~time~~], and place of the testator's
25 death;

26 (4) facts showing that the court with which the
27 application is filed has venue;

1 (5) that the testator owned property, including a
2 statement generally describing the property and the property's
3 probable value;

4 (6) the date of the will;

5 (7) the name, state of [~~and~~] residence, and physical
6 address where service can be had of the [~~of~~]

7 [~~(A) any~~] executor named in the will;

8 (8) the name of [~~and~~

9 [~~(B)~~] each subscribing witness to the will, if
10 any;

11 (9) [~~(8)~~] whether one or more children born to or
12 adopted by the testator after the testator executed the will
13 survived the testator and, if so, the name of each of those
14 children;

15 (10) [~~(9)~~] that the testator's estate does not owe an
16 unpaid debt, other than any debt secured by a lien on real estate;

17 (11) [~~(10)~~] whether a marriage of the testator was
18 ever dissolved after the will was made and, if so, when and from
19 whom; and

20 (12) [~~(11)~~] whether the state, a governmental agency
21 of the state, or a charitable organization is named in the will as a
22 devisee.

23 SECTION 26. Section 257.053, Estates Code, is amended to
24 read as follows:

25 Sec. 257.053. ADDITIONAL APPLICATION REQUIREMENTS WHEN NO
26 WILL IS PRODUCED. In addition to the requirements for an
27 application under Section 257.051, if an applicant for the probate

1 of a will as a muniment of title cannot produce the will in court,
2 the application must state:

- 3 (1) the reason the will cannot be produced;
4 (2) the contents of the will, to the extent known; and
5 (3) the name [~~age, marital status,~~] and address, if
6 known, whether the person is an adult or minor, and the relationship
7 to the testator, if any, of:

8 (A) each devisee;

9 (B) each person who would inherit as an heir of
10 the testator in the absence of a valid will; and

11 (C) in the case of partial intestacy, each heir
12 of the testator.

13 SECTION 27. Section 301.002(a), Estates Code, is amended to
14 read as follows:

15 (a) Except as provided by Subsection (b) and Section 501.006
16 with respect to a foreign will, an application for the grant of
17 letters testamentary or of administration of an estate must be
18 filed not later than the fourth anniversary of the decedent's
19 death.

20 SECTION 28. Section 301.051, Estates Code, is amended to
21 read as follows:

22 Sec. 301.051. ELIGIBLE APPLICANTS FOR LETTERS. An executor
23 named in a will, an independent administrator designated by all of
24 the distributees of the decedent under Section 401.002(b) or
25 401.003, or an interested person may file an application with the
26 court for:

- 27 (1) the appointment of the executor named in the will;

1 or

2 (2) the appointment of an administrator, if:

3 (A) there is a will, but:

4 (i) no executor is named in the will; or

5 (ii) the executor named in the will is
6 disqualified, refuses to serve, is dead, or resigns; or

7 (B) there is no will.

8 SECTION 29. Section 301.052, Estates Code, is amended to
9 read as follows:

10 Sec. 301.052. CONTENTS OF APPLICATION FOR LETTERS OF
11 ADMINISTRATION. An application for letters of administration when
12 no will is alleged to exist must state:

13 (1) the applicant's name, domicile, and, if any,
14 relationship to the decedent;

15 (2) the decedent's name and that the decedent died
16 intestate;

17 (3) the fact, date [~~time~~], and place of the decedent's
18 death;

19 (4) facts necessary to show that the court with which
20 the application is filed has venue;

21 (5) whether the decedent owned property and, if so,
22 include a statement of the property's probable value;

23 (6) the name [~~age, marital status,~~] and address, if
24 known, whether the heir is an adult or minor, and the relationship
25 to the decedent of each of the decedent's heirs;

26 (7) if known by the applicant at the time the applicant
27 files the application, whether one or more children were born to or

1 adopted by the decedent and, if so, the name, birth date, and place
2 of birth of each child;

3 (8) if known by the applicant at the time the applicant
4 files the application, whether the decedent was ever divorced and,
5 if so, when and from whom;

6 (9) that a necessity exists for administration of the
7 decedent's estate and an allegation of the facts that show that
8 necessity; and

9 (10) that the applicant is not disqualified by law
10 from acting as administrator.

11 SECTION 30. Section 301.151, Estates Code, is amended to
12 read as follows:

13 Sec. 301.151. GENERAL PROOF REQUIREMENTS. An applicant for
14 the issuance of letters testamentary or of administration of an
15 estate must prove to the court's satisfaction that:

16 (1) the person whose estate is the subject of the
17 application is dead;

18 (2) except as provided by Section 301.002(b) with
19 respect to administration necessary to receive or recover property
20 due a decedent's estate, and Section 501.006 with respect to a
21 foreign will, four years have not elapsed since the date of the
22 decedent's death and before the application;

23 (3) the court has jurisdiction and venue over the
24 estate;

25 (4) citation has been served and returned in the
26 manner and for the period required by this title; and

27 (5) the person for whom letters testamentary or of

1 administration are sought is entitled by law to the letters and is
2 not disqualified.

3 SECTION 31. Section 308.004(a), Estates Code, is amended to
4 read as follows:

5 (a) Not later than the 90th day after the date of an order
6 admitting a will to probate, the personal representative shall file
7 with the clerk of the court in which the decedent's estate is
8 pending a sworn affidavit of the representative or a certificate
9 signed by the representative's attorney stating:

10 (1) for each beneficiary to whom notice was required
11 to be given under this subchapter, the name [~~and address~~] of the
12 beneficiary to whom the representative gave the notice or, for a
13 beneficiary described by Section 308.002(b), the name [~~and address~~]
14 of the beneficiary and of the person to whom the notice was given;

15 (2) the name [~~and address~~] of each beneficiary to whom
16 notice was not required to be given under Section 308.002(c)(2),
17 (3), or (4);

18 (3) the name of each beneficiary whose identity or
19 address could not be ascertained despite the representative's
20 exercise of reasonable diligence; and

21 (4) any other information necessary to explain the
22 representative's inability to give the notice to or for any
23 beneficiary as required by this subchapter.

24 SECTION 32. Section 309.001, Estates Code, is amended to
25 read as follows:

26 Sec. 309.001. APPOINTMENT OF APPRAISERS. (a) At any time
27 after letters testamentary or of administration are granted, the

1 court, for good cause, on the court's own motion or on the motion of
2 an interested person [~~party~~] shall appoint at least one but not more
3 than three disinterested persons who are residents of the county in
4 which the letters were granted to appraise the estate property.

5 ~~(b) [At any time after letters testamentary or of
6 administration are granted, the court, for good cause shown, on the
7 court's own motion or on the motion of an interested person shall
8 appoint at least one but not more than three disinterested persons
9 who are residents of the county in which the letters were granted to
10 appraise the estate property.]~~

11 [~~(c)~~] If the court makes an appointment under Subsection (a)
12 [~~or (b)~~] and part of the estate is located in a county other than the
13 county in which the letters were granted, the court, if the court
14 considers necessary, may appoint at least one but not more than
15 three disinterested persons who are residents of the county in
16 which the relevant part of the estate is located to appraise the
17 estate property located in that county.

18 SECTION 33. Section [309.056](#), Estates Code, is amended by
19 amending Subsections (b) and (c) and adding Subsection (b-1) to
20 read as follows:

21 (b) Notwithstanding Sections [309.051](#) and [309.052](#), or any
22 contrary provision in a decedent's will that does not specifically
23 prohibit the filing of an affidavit described by this subsection,
24 if there are no unpaid debts, except for secured debts, taxes, and
25 administration expenses, at the time the inventory is due,
26 including any extensions, an independent executor may file with the
27 court clerk, in lieu of the inventory, appraisalment, and list of

1 claims, an affidavit stating that all debts, except for secured
2 debts, taxes, and administration expenses, are paid and that all
3 beneficiaries other than those described by Subsection (b-1) have
4 received a verified, full, and detailed inventory and appraisalment.
5 The affidavit in lieu of the inventory, appraisalment, and list of
6 claims must be filed within the 90-day period prescribed by Section
7 309.051(a), unless the court grants an extension.

8 (b-1) Absent a written request by a beneficiary, an
9 independent executor is not required to provide a verified, full,
10 and detailed inventory and appraisalment to a beneficiary who:

11 (1) is entitled to receive aggregate devises under the
12 will with an estimated value of \$2,000 or less;

13 (2) has received all devises to which the beneficiary
14 is entitled under the will on or before the date an affidavit under
15 this section is filed; or

16 (3) has waived in writing the beneficiary's right to
17 receive a verified, full, and detailed inventory and appraisalment.

18 (c) If the independent executor files an affidavit in lieu
19 of the inventory, appraisalment, and list of claims as authorized
20 under Subsection (b):

21 (1) any person interested in the estate, including a
22 possible heir of the decedent, [or] a beneficiary under a prior will
23 of the decedent, or a beneficiary described by Subsection (b-1), is
24 entitled to receive a copy of the inventory, appraisalment, and list
25 of claims from the independent executor on written request;

26 (2) the independent executor may provide a copy of the
27 inventory, appraisalment, and list of claims to any person the

1 independent executor believes in good faith may be a person
2 interested in the estate without liability to the estate or its
3 beneficiaries; and

4 (3) a person interested in the estate may apply to the
5 court for an order compelling compliance with Subdivision (1), and
6 the court, in its discretion, may compel the independent executor
7 to provide a copy of the inventory, appraisement, and list of claims
8 to the interested person or may deny the application.

9 SECTION 34. Section 352.052(b), Estates Code, is amended to
10 read as follows:

11 (b) A person designated as a devisee in or beneficiary of a
12 will or an alleged will [~~, or as administrator with the will or~~
13 ~~alleged will annexed,~~] who, for the purpose of having the will or
14 alleged will admitted to probate, defends the will or alleged will
15 or prosecutes any proceeding in good faith and with just cause,
16 whether or not successful, may be allowed out of the estate the
17 person's necessary expenses and disbursements in those
18 proceedings, including reasonable attorney's fees.

19 SECTION 35. Sections 353.051(a) and (b), Estates Code, are
20 amended to read as follows:

21 (a) Unless an application and verified affidavit are filed
22 as provided by Subsection (b), immediately after the inventory,
23 appraisement, and list of claims of an estate are approved or after
24 the affidavit in lieu of the inventory, appraisement, and list of
25 claims is filed, the court by order shall set aside:

26 (1) the homestead for the use and benefit of the
27 decedent's surviving spouse and minor children; and

1 (2) all other exempt [~~estate~~] property described by
2 Section 42.002(a), Property Code, [~~that is exempt from execution or~~
3 ~~forced sale by the constitution and laws of this state~~] for the use
4 and benefit of the decedent's:

5 (A) surviving spouse and minor children;

6 (B) unmarried adult children remaining with the
7 decedent's family; and

8 (C) each other adult child who is incapacitated.

9 (b) Before the inventory, appraisement, and list of claims
10 of an estate are approved or, if applicable, before the affidavit in
11 lieu of the inventory, appraisement, and list of claims is filed:

12 (1) the decedent's surviving spouse or any other
13 person authorized to act on behalf of the decedent's minor children
14 may apply to the court to have exempt property described by
15 Subsection (a), including the homestead, set aside by filing an
16 application and a verified affidavit listing all exempt property
17 that the applicant claims is exempt property described by
18 Subsection (a); and

19 (2) any of the decedent's unmarried adult children
20 remaining with the decedent's family, any other adult child of the
21 decedent who is incapacitated, or a person who is authorized to act
22 on behalf of the adult incapacitated child may apply to the court to
23 have all exempt property described by Subsection (a), other than
24 the homestead, set aside by filing an application and a verified
25 affidavit listing all the exempt property, other than the
26 homestead, that the applicant claims is exempt property described
27 by Subsection (a).

1 SECTION 36. Section 353.052, Estates Code, is amended by
2 amending Subsection (a) and adding Subsection (a-1) to read as
3 follows:

4 (a) This section only applies to exempt property described
5 by Section 353.051(a).

6 (a-1) The executor or administrator of an estate shall
7 deliver, without delay, exempt property that has been set aside for
8 the decedent's surviving spouse and children in accordance with
9 this section.

10 SECTION 37. Section 353.053(a), Estates Code, is amended to
11 read as follows:

12 (a) If all or any of the specific articles of exempt
13 property described by Section 353.051(a) [~~from execution or forced~~
14 ~~sale by the constitution and laws of this state~~] are not among the
15 decedent's effects, the court shall make, in lieu of the articles
16 not among the effects, a reasonable allowance to be paid to the
17 decedent's surviving spouse and children as provided by Section
18 353.054.

19 SECTION 38. Sections 353.153 and 353.154, Estates Code, are
20 amended to read as follows:

21 Sec. 353.153. TITLE TO PROPERTY OF INSOLVENT ESTATE. If on
22 final settlement an estate proves to be insolvent, the decedent's
23 surviving spouse and children have absolute title to all property
24 and allowances set aside or paid to them under this title. The
25 distributees are entitled to distribution of any remaining exempt
26 property held by the executor or administrator in the same manner as
27 other estate property. The property and allowances set aside or

1 paid to the decedent's surviving spouse or children, and any
2 remaining exempt property held by the executor or administrator,
3 may not be taken for any of the estate debts except as provided by
4 Section 353.155.

5 Sec. 353.154. CERTAIN PROPERTY NOT CONSIDERED IN
6 DETERMINING SOLVENCY. In determining whether an estate is solvent
7 or insolvent, the exempt property set aside for the decedent's
8 surviving spouse or children, any allowance made in lieu of that
9 exempt property, ~~and~~ the family allowance under Subchapter C, and
10 any remaining exempt property held by the executor or administrator
11 may not be estimated or considered as estate assets.

12 SECTION 39. Subchapter D, Chapter 355, Estates Code, is
13 amended by adding Section 355.1551 to read as follows:

14 Sec. 355.1551. CLAIM HOLDER DUTY TO POSSESS OR SELL WITHIN
15 REASONABLE TIME. (a) A claim holder of a claim allowed and
16 approved under Section 355.151(a)(2) who elects to take possession
17 or sell the property securing the debt before final maturity in
18 satisfaction of the claim holder's claim must do so within a
19 reasonable time, as determined by the court.

20 (b) If the claim holder fails to take possession or sell
21 secured property within a reasonable time under Subsection (a), on
22 application by the personal representative, the court may require
23 the sale of the property free of the lien and apply the proceeds to
24 the payment of the whole debt.

25 (c) This section does not apply to an estate administered as
26 an independent administration under Subtitle I.

27 SECTION 40. Section 401.002, Estates Code, is amended to

1 read as follows:

2 Sec. 401.002. CREATION IN TESTATE ESTATE BY AGREEMENT.

3 (a) Except as provided in Section 401.001(b), if a decedent's will
4 names an executor but the will does not provide for independent
5 administration as provided in Section 401.001(a), all of the
6 distributees of the decedent may agree on the advisability of
7 having an independent administration and collectively designate in
8 the application for probate of the decedent's will, or in one or
9 more separate documents consenting to the application for probate
10 of the decedent's will, the executor named in the will to serve as
11 independent executor and request [~~in the application~~] that no other
12 action shall be had in the probate court in relation to the
13 settlement of the decedent's estate other than the probating and
14 recording of the decedent's will and the return of an inventory,
15 appraisement, and list of claims of the decedent's estate. In such
16 case the probate court shall enter an order granting independent
17 administration and appointing the person, firm, or corporation
18 designated by the distributees [~~in the application~~] as independent
19 executor, unless the court finds that it would not be in the best
20 interest of the estate to do so.

21 (b) Except as provided in Section 401.001(b), in situations
22 where no executor is named in the decedent's will, or in situations
23 where each executor named in the will is deceased or is disqualified
24 to serve as executor or indicates by affidavit filed with the
25 application for administration of the decedent's estate the
26 executor's inability or unwillingness to serve as executor, all of
27 the distributees of the decedent may agree on the advisability of

1 having an independent administration and collectively designate in
2 the application for probate of the decedent's will, or in one or
3 more separate documents consenting to the application for probate
4 of the decedent's will, a qualified person, firm, or corporation to
5 serve as independent administrator and request [~~in the application~~]
6 that no other action shall be had in the probate court in relation
7 to the settlement of the decedent's estate other than the probating
8 and recording of the decedent's will and the return of an inventory,
9 appraisement, and list of claims of the decedent's estate. In such
10 case the probate court shall enter an order granting independent
11 administration and appointing the person, firm, or corporation
12 designated by the distributees [~~in the application~~] as independent
13 administrator, unless the court finds that it would not be in the
14 best interest of the estate to do so.

15 SECTION 41. Section 401.003(a), Estates Code, is amended to
16 read as follows:

17 (a) All of the distributees of a decedent dying intestate
18 may agree on the advisability of having an independent
19 administration and collectively designate in the application for
20 administration of the decedent's estate, or in one or more
21 documents consenting to the application for administration of the
22 decedent's estate, a qualified person, firm, or corporation to
23 serve as independent administrator and request [~~in the application~~]
24 that no other action shall be had in the probate court in relation
25 to the settlement of the decedent's estate other than the return of
26 an inventory, appraisement, and list of claims of the decedent's
27 estate. In such case the probate court shall enter an order

1 granting independent administration and appointing the person,
2 firm, or corporation designated by the distributees [~~in the~~
3 ~~application~~] as independent administrator, unless the court finds
4 that it would not be in the best interest of the estate to do so.

5 SECTION 42. Sections 401.004(c) and (h), Estates Code, are
6 amended to read as follows:

7 (c) If a distributee is an incapacitated person, the
8 guardian of the person of the distributee may consent to the
9 creation of an independent administration [~~sign the application~~] on
10 behalf of the distributee. If the probate court finds that either
11 the granting of independent administration or the appointment of
12 the person, firm, or corporation designated by the distributees [~~in~~
13 ~~the application~~] as independent executor would not be in the best
14 interest of the incapacitated person, then, notwithstanding
15 anything to the contrary in Section 401.002 or 401.003, the court
16 may not enter an order granting independent administration of the
17 estate. If a distributee who is an incapacitated person has no
18 guardian of the person, the probate court may appoint a guardian ad
19 litem to act [~~make application~~] on behalf of the incapacitated
20 person if the court considers such an appointment necessary to
21 protect the interest of the distributees. Alternatively, if the
22 distributee who is an incapacitated person is a minor and has no
23 guardian of the person, the natural guardian or guardians of the
24 minor may consent on the minor's behalf if there is no conflict of
25 interest between the minor and the natural guardian or guardians.

26 (h) If a distributee of a decedent's estate dies and if by
27 virtue of the distributee's death the distributee's share of the

1 decedent's estate becomes payable to the distributee's estate, the
2 deceased distributee's personal representative may consent to the
3 ~~[sign the application for]~~ independent administration of the
4 decedent's estate under Section 401.002 or 401.003 and under
5 Subsection (c).

6 SECTION 43. Section 401.006, Estates Code, is amended to
7 read as follows:

8 Sec. 401.006. GRANTING POWER OF SALE BY AGREEMENT. In a
9 situation in which a decedent does not have a will, or a decedent's
10 will does not contain language authorizing the personal
11 representative to sell property or contains language that is not
12 sufficient to grant the representative that authority, the court
13 may include in an order appointing an independent executor ~~[under~~
14 ~~Section 401.002 or 401.003]~~ any general or specific authority
15 regarding the power of the independent executor to sell property
16 that may be consented to by the beneficiaries who are to receive any
17 interest in the property in the application for independent
18 administration or for the appointment of an independent executor or
19 in their consents to the independent administration or to the
20 appointment of an independent executor. The independent executor,
21 in such event, may sell the property under the authority granted in
22 the court order without the further consent of those beneficiaries.

23 SECTION 44. Section 452.051(a), Estates Code, is amended to
24 read as follows:

25 (a) If a contest related to probating a will or granting
26 letters testamentary or of administration is pending, the court may
27 appoint a temporary administrator, with powers limited as the

1 circumstances of the case require.

2 SECTION 45. Subtitle J, Title 2, Estates Code, is amended by
3 adding Chapter 456 to read as follows:

4 CHAPTER 456. DISBURSEMENT AND CLOSING OF LAWYER TRUST OR ESCROW

5 ACCOUNTS

6 Sec. 456.001. DEFINITION. In this chapter, "eligible
7 institution" means a financial institution or investment company in
8 which a lawyer has established an escrow or trust account for
9 purposes of holding client funds or the funds of third persons that
10 are in the lawyer's possession in connection with representation as
11 required by the Texas Disciplinary Rules of Professional Conduct.

12 Sec. 456.002. AUTHORITY TO DESIGNATE LAWYER ON CERTAIN
13 TRUST OR ESCROW ACCOUNTS. (a) When administering the estate of a
14 deceased lawyer who established one or more trust or escrow
15 accounts for client funds or the funds of third persons that are in
16 the lawyer's possession in connection with representation as
17 required by the Texas Disciplinary Rules of Professional Conduct,
18 the personal representative may hire through written agreement a
19 lawyer authorized to practice in this state to:

20 (1) be the authorized signer on the trust or escrow
21 account;

22 (2) determine who is entitled to receive the funds in
23 the account;

24 (3) disburse the funds to the appropriate persons or
25 to the decedent's estate; and

26 (4) close the account.

27 (b) If the personal representative is a lawyer authorized to

1 practice in this state, the personal representative may state that
2 fact and disburse the trust or escrow account funds of a deceased
3 lawyer in accordance with Subsection (a).

4 (c) An agreement under Subsection (a) or a statement under
5 Subsection (b) must be made in writing, and a copy of the agreement
6 or statement must be delivered to each eligible institution in
7 which the trust or escrow accounts were established.

8 Sec. 456.003. DUTY OF ELIGIBLE INSTITUTIONS. Within a
9 reasonable time after receiving a copy of a written agreement under
10 Section 456.002(a) or a statement from a personal representative
11 under Section 456.002(b) and instructions from the lawyer
12 identified in the agreement or statement, as applicable, regarding
13 how to disburse the funds or close a trust or escrow account, an
14 eligible institution shall disburse the funds and close the account
15 in compliance with the instructions.

16 Sec. 456.004. LIABILITY OF ELIGIBLE INSTITUTIONS. An
17 eligible institution is not liable for any act respecting an
18 account taken in compliance with this chapter.

19 Sec. 456.005. RULES. The supreme court may adopt rules
20 regarding the administration of funds in a trust or escrow account
21 subject to this chapter.

22 SECTION 46. Section 501.001, Estates Code, is amended to
23 read as follows:

24 Sec. 501.001. AUTHORITY FOR ANCILLARY PROBATE OF FOREIGN
25 WILL. The written will of a testator who was not domiciled in this
26 state at the time of the testator's death may be admitted to probate
27 at any time in this state if:

1 (1) the will would affect any property in this state;
2 and

3 (2) proof is presented that the will stands probated
4 or otherwise established in any state of the United States or a
5 foreign nation.

6 SECTION 47. Section 501.006(a), Estates Code, is amended to
7 read as follows:

8 (a) On application, an executor named in a foreign will
9 admitted to ancillary probate in this state in accordance with this
10 chapter is entitled to receive ancillary letters testamentary on
11 proof made to the court that:

12 (1) the executor has qualified to serve as executor in
13 the jurisdiction in which the will was previously admitted to
14 probate or otherwise established; ~~and~~

15 (2) the executor is not disqualified from serving in
16 that capacity in this state; and

17 (3) if the will is admitted to ancillary probate in
18 this state after the fourth anniversary of the testator's death,
19 the executor continues to serve in that capacity in the
20 jurisdiction in which the will was previously admitted to probate
21 or otherwise established.

22 SECTION 48. The addition by this Act of Section 255.304,
23 Estates Code, and the amendment by this Act of Sections 113.004(4),
24 251.1045(a), 253.001(b) and (c), 254.005, 256.003(a), 353.051(a)
25 and (b), 353.052, 353.053(a), 353.153, 353.154, 452.051(a), and
26 501.001, Estates Code, is intended to clarify rather than change
27 existing law.

1 SECTION 49. Section 113.152(c), Estates Code, as added by
2 this Act, applies to a P.O.D. account held by a financial
3 institution on or after the effective date of this Act, regardless
4 of the date on which the account was opened.

5 SECTION 50. Sections 201.051, 201.052, 201.056,
6 308.004(a), 309.056, and 352.052(b), Estates Code, as amended by
7 this Act, and Section 251.053 and Subchapter I, Chapter 255,
8 Estates Code, as added by this Act, apply only to the estate of a
9 decedent who dies on or after the effective date of this Act. The
10 estate of a decedent who dies before the effective date of this Act
11 is governed by the law in effect on the date of the decedent's
12 death, and the former law is continued in effect for that purpose.

13 SECTION 51. Sections 123.001 and 123.052(a), Estates Code,
14 as amended by this Act, and Subchapter D, Chapter 123, Estates Code,
15 as added by this Act, apply only to an individual whose marriage is
16 dissolved on or after the effective date of this Act.

17 SECTION 52. Sections 202.005, 202.055, 202.056,
18 202.201(a), and 257.053, Estates Code, as amended by this Act,
19 apply to an action filed or other proceeding commenced on or after
20 the effective date of this Act. An action filed or other proceeding
21 commenced before that date is governed by the law in effect on the
22 date the action was filed or the proceeding was commenced, and the
23 former law is continued in effect for that purpose.

24 SECTION 53. Subchapter J, Chapter 255, Section 355.1551,
25 and Chapter 456, Estates Code, as added by this Act, and Sections
26 309.001, 401.002, 401.003(a), 401.004(c) and (h), and 401.006,
27 Estates Code, as amended by this Act, apply to the administration of

1 the estate of a decedent that is pending or commenced on or after
2 the effective date of this Act.

3 SECTION 54. Sections 256.003(b), 256.051(a), 256.052(a),
4 256.054, 256.152(b) and (c), 257.051(a), 301.002(a), 301.051,
5 301.052, 301.151, and 501.006(a), Estates Code, as amended by this
6 Act, apply only to an application for the probate of a will or
7 administration of a decedent's estate that is filed on or after the
8 effective date of this Act. An application for the probate of a
9 will or administration of a decedent's estate filed before that
10 date is governed by the law in effect on the date the application
11 was filed, and the former law is continued in effect for that
12 purpose.

13 SECTION 55. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 995 passed the Senate on April 30, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 995 passed the House, with amendment, on May 27, 2015, by the following vote: Yeas 142, Nays 2, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor